

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES - Smt. V.Jayalaxmi, Proh. & Excise Sub-Inspector -
Declaration of probation - Extension of probation - Orders - Issued.

REVENUE (EXCISE.I) DEPARTMENT

G.O.Ms.No. 1411

Dated:14.12.2010.

Read the following:

1. From the CPE Cr.No.5070/2010/CPE/H2, dt.13.05.2010.
2. Govt.Lr.No.22356/Ex.I(2)/2010-2, Dated:22.10.2010
addressed to the Secretary, APPSC, Hyderabad.
3. From the Secy., APPSC Lr.No.1749/DTM/2001, dt.25.10.2010.

* * *

O R D E R:

In the reference first read above, the Commissioner of Prohibition & Excise, A.P., Hyderabad has stated that Smt.V. Jayalaxmi, Proh. & Excise Sub-Inspector, SHO, Musheerabad has submitted a representation addressing the Government for declaration of probation in relaxation of Rule 16(h), as she could not pass the tests in time due to non-conduct of departmental tests by the Andhra Pradesh Public Service Commission. The Commissioner of Prohibition & Excise, A.P., Hyderabad has stated that Smt. V.Jayalaxmi was appointed as Proh. & Excise Sub-Inspector by Direct Recruitment in Zone-VI and she joined duty on 21.03.2005. As per rule-10 of A.P. Prohibition & Excise Subordinate Service Rules, 1998, every person appointed by Direct Recruitment to the post of Proh. & Excise Sub-Inspector shall pass the following tests within the period of probation:

- i) Excise Departmental Tests - A, B, C & D
- ii) Account Test for Executive Officers
- iii) Third class language tests in Telugu and Hindi/Urdu

2. Further, the Commissioner of Prohibition & Excise, A.P., Hyderabad has stated that as verified from the Service Book of Smt. V. Jayalaxmi, Proh. & Excise Sub-Inspector, she has passed the above tests as shown below:

Sl. No.	Name of the Tests	Held on	Gazette No. & Date
1.	Test - A	07.09.2006	Udyoga Samacharam, April, 2007
2.	Test - B	08.09.2006	Udyoga Samacharam, April, 2007
3.	Test - C	11.09.2006	Udyoga Samacharam, April, 2007
4.	Test - D	12.09.2006	Udyoga Samacharam, April, 2007
5.	Account Test for Executive Officers	22.08.2009	Result published by APPSC on 29.01.2010 communicated by Asst. Secy., APPSC, Hyderabad
6.	Language Test Telugu & Hindi		Exempted vide DC(H) Cr.No.A1/1198/2008, dt.04.02.2010.

3. As seen from the above, Smt. V.Jayalaxmi has passed departmental tests viz., Accounts Test for Executive Officers on 22.08.2009 i.e. beyond the period of Probation.

(Contd...2nd....)

4. The Rule 16(h) of Andhra Pradesh State and Subordinate Service Rules, 1996 stipulates as follows:

“Notwithstanding anything contained in the special rules or sub-rule(a) and (b) of rule 33, a probationer who does not pass the prescribed tests or acquire the prescribed special qualifications within the period of probation or within the extended period of probation under rule 17 and whose probation is further extended by the Government by an order under rule 31, till the date of his passing such tests or acquiring such qualifications, shall be deemed to have commenced the probation with effect from the date to be fixed by the Government, which would be anterior to a date to his passing such tests or acquiring such special qualifications, so, however, that the interval between the two dates shall be equivalent to the prescribed period of probation, whether on duty or otherwise and seniority of such probationer shall be determined with reference to the date so fixed.”

5. As per the Rule 16(h), the probation period of the individual has to be extended till passing of last test i.e. 22.08.2009 and she shall be deemed to have commenced her probation (2) years anterior to the said date. Further, the Govt. alone is competent to extend the probation period of the individual as above.

6. The Secretary, Andhra Pradesh Public Service Commission, Hyderabad in his letter dt.07.05.2010 has furnished the information showing the details of Departmental Tests Exams conducted by Andhra Pradesh Public Service Commission in the year 2007 and 2008:

Sl. No.	Notification No./Session	Date of Notification	Dates of Examination	Month of Result Publication
1.	19/2006 November, 2006	23.02.2007	14.06.2007	September, 2007
2.	14/2007 May, 2007	15.11.2007	07.02.2008 to 12.02.2008	July, 2008
3.	6/2008 November, 2007	08.08.2008	16.10.2008 to 21.10.2008	March, 2009
4.	5/2009 May, 2009 clubbed with May, 2008, and November, 2008 Session	15.06.2009	19.08.2009 to 25.08.2009	January & February, 2010

7. The Commissioner of Prohibition & Excise, A.P., Hyderabad has further submitted that, it is evident that the departmental exams of May, 2008, November, 2008 and May, 2009 were conducted in August, 2009. 2007 sessions conducted in 2008. Because of delay in conduct of exams, the candidate lost opportunities to attend the departmental exams. Hence, the Commissioner of Prohibition & Excise, A.P., Hyderabad has requested the Government to communicate the orders on the request of Smt. V.Jayalakshmi, Proh. & Excise Sub-Inspector.

8. Rule 6 of the A.P.Departmental Test Rules, 1965 is as follows:

“6. Notification: The Andhra Pradesh Service Commission shall issue a notification inviting applications in the Andhra Pradesh Gazette and conduct the tests as per the following programme:

(Contd...3rd.....)

Date of notification in the Gazette	:	Last Thursday of January/July of the year
Last date for receipt of applications	:	1 st March/September of the year. N.B:- If these days happen to be holidays the next working day may be fixed
Commencement of the examination	:	As in rule (7) below.
Viva-Voce part of the Language tests	:	From 15 th June to 30 th June and from 15 th December to 31 st December of each year.
Publication of results in the Andhra Pradesh Gazette	:	On or before last Thursday of July/January of the year."

9. Further, the rule 7 of the A.P.Departmental Test Rules, 1965 is as follows:

"7. Periodicity of Examinations: The departmental tests shall be held every half-year by the Commission beginning from Saturday preceding the second Monday of May and November in a year. If the day on which examination is to be begun happens to be a public holiday, the examination shall be held on the working day immediately preceding that holiday."

10. It is submitted that the rule 9(a) of the A.P.Proh. & Excise Subordinate Service Rules issued in G.O.Ms.No.950, Revenue (Ex.I) Department, dt.28.11.1998 is as follows:

"9. Probation: (a) Every person appointed by direct recruitment to any of the posts in this service shall from the date of which he joins duty, be on probation for a total period of (2) years on duty within a continuous period of (3) years."

11. In view of the above, it is implied that a (DR) normally would get 6 chances within the probation period of three years, if the Andhra Pradesh Public Service Commission conducts the departmental tests twice in a year i.e. in May and November as per Rule 7 of the A.P.Departmental Test Rules, 1965.

12. It is observed that Smt. V.Jayalaxmi, Proh. & Excise Sub-Inspector was not a member of service to appear for Departmental Test held on May, 2005 as she joined as Proh. & Excise Sub-Inspector in the Department on 21.03.2005 and the last date for receipt of application for May, 2005 session was 19.03.2005. She had not appeared in the November, 2005 Departmental Tests (1st chance). She appeared for the May, 2006 Departmental test and passed the tests A, B, C and D (2nd chance). Again she did not attend the November, 2006 test (3rd chance) but appeared in the May, 2007 (4th chance) and November, 2007 (5th chance) Examinations but could not clear the tests. The May, 2008, November, 2008 and May, 2009 schedules of exams (3 schedules) were conducted at a time by the Andhra Pradesh Public Service Commission in August, 2009 and Smt. V. Jayalaxmi, Proh. & Excise Sub-Inspector appeared in the same and passed her last Test i.e., Account Test for Executive Officers. Hence, it may be deemed that by May, 2008 she availed the (6) attempts and passed all the tests prescribed for the post of Proh. & Excise Sub-Inspector.

13. Government have observed that Smt. V.Jayalaxmi, Proh. & Excise Sub-Inspector has cleared all the Tests in 6 chances and there was delay in conducting the exam. But even if the 6th chance, in which she cleared the last pending Tests, were conducted as per schedule i.e., in May, 2008 and results

(Contd...4th)

were published by the last Thursday of July, 2008 her probation would have had to be extended upto that date and regularization of her services has to be done accordingly by following rule 16(h) of A.P. State and Subordinate Service Rules, 1996 with reference to the said date i.e., 31.07.2008 (notional date of publication of result of Accounts Test for Executive Officers, if the May, 2008 Departmental Test were conducted as per rule 7 of A.P. Departmental Test Rules, 1965).

14. Government have carefully examined the matter with reference to the Rules in vogue and have decided to extend the probation of Smt. V.Jayalaxmi, Proh. & Excise Sub-Inspector upto the date of passing of the last departmental test i.e., Accounts Test for Executive Officers. Accordingly, Government hereby extend the period of probation of Smt. V. Jayalaxmi, Proh. & Excise Sub-Inspector upto 31.07.2008 and she shall be deemed to have commenced her probation in the category of Proh. & Excise Sub-Inspector with effect from 31.07.2006 under rule 16 (h) of A.P. State & Sub-ordinate Service Rules, 1996 read with rule 7 of A.P. Departmental Test Rules.

15. The Commissioner of Prohibition & Excise, A.P., Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Prohibition & Excise, A.P., Hyderabad.
Copy to the Prl.Secy. to C.M. w.r. to CMO.No.7996/CMP/2010,
dt.13.07.2010, 11059/CMP/2010, dt.28.09.2010
SF/SCs.

//FORWARDED :: BY ORDER//

SECTION OFFICER